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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

LIMU COALITION; and KILAUEA)	CIVIL NO. 02-00521 BMK
NEIGHBORHOOD ASSOCIATION,)	
)	
Plaintiffs,)	
)	
v.)	
)	
JAMES H. PFLUEGER; PFLUEGER)	
PROPERTIES; and PILA'A 400, LLC,)	
)	
Defendants.)	
)	
UNITED STATES OF AMERICA; and)	CIVIL NO. 06-00140 BMK
DEPARTMENT OF HEALTH, STATE)	
OF HAWAII,)	PLAINTIFFS LIMU COALITION
)	AND KILAUEA NEIGHBORHOOD
Plaintiffs,)	ASSOCIATION'S AND
)	DEFENDANTS' STIPULATION RE:
v.)	DEADLINE FOR PLAINTIFFS TO
)	SEEK AWARD OF FEES AND
JAMES H. PFLUEGER; PFLUEGER)	COSTS RE: FIRST AMENDED
PROPERTIES; and PILA'A 400, LLC,)	CONSENT DECREE; ORDER
)	
Defendants.)	

* Pursuant to Local Rule 10.2(b), please refer to the signature page for the complete list of parties represented.

WHEREAS, on June 27, 2007, the parties filed a Joint Stipulation To Amend Consent Decree (“Joint Stipulation”) and lodged a First Amended Consent Decree in United States, et al., v. Pflueger, et al., Civil No. 06-00140 BMK (D. Haw.);

WHEREAS, on August 22, 2007, this Court entered an order approving the First Amended Consent Decree and directing that it shall be entered as a judgment of this Court;

WHEREAS, in paragraph 5 of the Joint Stipulation, Plaintiffs Limu Coalition and Kilauea Neighborhood Association (“the Citizens”) and Defendants James H. Pflueger, Pflueger Properties LLP, and Pila‘a 400, LLC expressed their intent to allow a period of ninety (90) days following entry of the First Amended Consent Decree for the Citizens and Defendants to attempt to reach agreement regarding the Citizens’ claim for an award of fees and costs for work reasonably spent in connection with the Joint Stipulation and Amended Consent Decree;

WHEREAS, in the absence of a court order pursuant to Federal Rule Civil Procedure 54(d)(2)(B), the Citizens may be required to file their motion for fees and costs no later than fourteen (14) days after the entry of the First Amended Consent Decree as the Court’s judgment, precluding meaningful negotiations between the parties; and

WHEREAS, it is in the interest of the public, the parties, and judicial economy to give the Citizens and Defendants the opportunity to try to seek a negotiated resolution of the Citizens' claim, without the need for additional litigation;

NOW, THEREFORE, IT IS STIPULATED BY AND BETWEEN THE CITIZENS AND DEFENDANTS that:

1. If the Citizens and Defendants are unable to reach agreement as to the Citizens' entitlement to and/or the amount of such an award, the Citizens may file a motion with this Court for the recovery of fees and costs no later than November 20, 2007; and

2. By entering into this Stipulation, Defendants do not waive any defense(s) to any motion for fees and/or costs that the Citizens may file, including the right to assert the Citizens are not entitled to any additional fees in this matter.

DATED at Honolulu, Hawai'i, August 30, 2007.

EARTHJUSTICE
223 South King Street, Suite 400
Honolulu, Hawai'i 96813

By: /s/ David L. Henkin
David L. Henkin
Attorneys for Plaintiffs Limu Coalition and
Kilauea Neighborhood Association

DATED at Honolulu, Hawai'i, August 30, 2007.

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Pflueger Properties, and Pila'a 400, LLC

APPROVED AND SO ORDERED.

DATED:

BARRY M. KURREN
UNITED STATES MAGISTRATE JUDGE

Limu Coalition, et al., v. Pflueger, et al., Civ. No. 02-00521 BMK (D. Haw.);
United States, et al., v. Pflueger, et al., Civ. No. 06-00140 BMK (D. Haw.);
PLAINTIFFS LIMU COALITION AND KILAUEA NEIGHBORHOOD
ASSOCIATION'S AND DEFENDANTS' STIPULATION RE: DEADLINE FOR
PLAINTIFFS TO SEEK AWARD OF FEES AND COSTS RE: FIRST
AMENDED CONSENT DECREE; ORDER